IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.59259-M of 2006

DATE OF DECISION:10.11.2006

Balbir Singh @ Pamma @ Pappa .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri JS Bedi, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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The petitioner has filed this petition under Section 439 Cr.P.C. for the grant of regular bail in case FIR No. 237 dated 16.12.2004 under Section 364/34 IPC and 20/61/85 of NDPS Act, registered at Police Station Balachaur.

I have heard counsel for the parties and gone through the contents of the FIR and order dated 14.9.2006.

In this case, one Balwinder Kumar was alleged to have been abducted by some persons. In the FIR, name of one police official Charanjit Singh was mentioned, as one of the persons, who abducted Balwinder Kumar. Counsel contends that subsequently during the investigation, Charanjit Singh was found innocent and he stated that one Tek Singh another police official has told that the said Balwinder Singh was abducted by himself and Pappa resident of Ludhiana. Counsel contends that another material, which has been collected during investigation, is the statement of ASI Naresh Kumar, who also stated that Tek Singh co-accused has told that he along with Kiran Kumar, Pappa and S.P (D)

abducted Balwinder Singh.

Counsel for the petitioner states that the petitioner was not involved in the crime. He further contends that neither the petitioner is known as Pappa and nor he is resident of Dhaka Colony, Model House, Ludhiana. Actually, he is resident of Ranjit Nagar, Ludhiana. Counsel also contends that the petitioner has been falsely implicated without there being any motive attributed to him. The petitioner is in custody since 3.8.2006. Even charge has not been framed. Trial is not going to conclude soon. Counsel also states that co-accused Tek Singh and Kiran Kumar have been granted regular bail by this Court and Court of session, respectively.

Keeping in view the aforesaid facts and without expressing anything on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

November 10, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**